



06 APR 2007

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In re Application of  
Theo STAHELI  
Application No.: 10/558,153  
PCT No.: PCT/CH04/00311  
Int. Filing Date: 21 May 2004  
Priority Date: 23 May 2003  
Attorney Docket No.: 5763  
For: METHOD FOR PRODUCING  
COMPRESSED, PLASTIC-COATED ROVINGS

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: DECISION ON  
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: DECLARATION  
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This is a decision on applicants' "Petition under 37 CFR 1.497 to Correct Inventorship", filed on 12 January 2007 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

### **BACKGROUND**

On 23 November 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 17 July 2006, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. The Notification set a two month time limit within which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 12 September 2006, applicant filed a declaration, identifying the international application and listing Christian Jentgens, Kurt Lehmann, Donat Frei and Theo Staheli as co-inventors. Theo Staheli was listed as the sole inventor in the published international application. Applicant did not provide Form PCT/IB/306 adding Christian Jentgens, Kurt Lehmann, Donat Frei as co-inventors.

On 12 December 2007, a decision was mailed dismissing the petition, indicating that the declaration was unacceptable because it was not executed in accord with 37 CFR 1.66 or 1.68 and that Christian Jentgens, Kurt Lehmann, Donat Frei were not listed as inventors on the published application.

On 12 January 2007, applicant filed the instant petition under 37 CFR 1.497(d).

### **DISCUSSION**

A review of international application PCT/CH04/00311 reveals that Christian Jentgens, Kurt Lehmann, and Donat Frei were not named as inventors in the published international

application.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).<sup>1</sup>

Applicant satisfied Items (1), (2) and (3) above. Accordingly, applicant has met all of the requirements of 37 CFR 1.497(d) to add Christian Jentgens, Kurt Lehmann, Donat Frei as co-inventors in the above-identified international application.

The declaration filed on 12 January 2006 meets the requirements of 37 CFR 1.497 (a) and (b) and is acceptable as filed.

### CONCLUSION

The declaration executed by Christian Jentgens, Kurt Lehmann and Donat Frei as a joint inventors in the above referenced application is acceptable and in compliance with 37 CFR 1.497(a) and (b).

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Christian Jentgens, Kurt Lehmann, Donat Frei as inventors is hereby **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 January 2007.



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<sup>1</sup> The submission establishing ownership by the assignee must be signed by a party who is authorized to act on behalf of the assignee.